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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,766

02/27/2004

Pallavur Sankaranarayanan

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11/05/2008

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EXAMINER

ALIA, CURTIS A

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

11/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/789,766	<b>Applicant(s)</b> SANKARANARAYNAN ET AL.	
	<b>Examiner</b> Curtis A. Alia	<b>Art Unit</b> 2416	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-9, 11-18 and 20.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2416

/Curtis A Alia/  
Examiner, Art Unit 2416

Continuation of 11. does NOT place the application in condition for allowance because:

In response to Applicant's argument that Schmidt and Stamp together do not teach that the call server sets up calls between the enterprise telephone stations, the Examiner respectfully disagrees. Stamp teaches that Centrex allows a Network Gateway (E) to translate signaling messages between the stations of the Customer Gateway and other CPEs. In the Examiner's best understanding, the limitation "at the call server, allowing setup of calls having bearer paths within the enterprise network and between the enterprise telephone stations" is equivalent to Stamp's explanation that the call server (Network Gateway) handles signaling information and translates it for easy transmission (see section on "How does IP Centrex Work?").

In response to Applicant's argument that Lange does not teach the system architecture of the claims, the Examiner respectfully disagrees. The Lange reference works in the area of telecommunications, specifically for facilitating the use of telephone stations to establish voice over broadband connections within and across calling areas (enterprise networks). Lange teaches the use of telephone stations connecting to and managed by a PBX (such as the embodiment of figure 1). The PBX technology is comparable to the technology of Centrex (in fact they are direct alternatives to one another). The PBX/CO managing the signaling of the telephone stations is capable of restricting calls that are directed to telephone stations outside the calling area (an example given is an international call or operator number). A determination is made as to whether that station is allowed to make such a call (see column 8, lines 26+).

In addition to the Examiner's responses, the claim structures of both claims 1 and 12 leave the Examiner open to interpret the last limitation (including "at the call server, allowing setup of calls" or "call-server logic") as being independent of the steps performed in response to detecting the failure of the landline connection. Therefore, the allowing of calls (such as the way Lange teaches) can be implemented in the network of Schmidt. The specific reason the claim structure can be interpreted in this way is due to the inclusion of a semicolon (;) denoting completion of the steps listed as being performed in response to the detection of the failure, and then performing a step that can be performed at any time during operation of the system.